

No Child Left Behind Act of 2001
(NCLB)
P. L. 107-110

Title III, Part A
Language Instruction for Limited English
Proficient and Immigrant Students

Individual Application
Guidelines ♦ Instructions ♦ Assurances

Application Submission Date:
July 2004

Grant Award Period:
July 1, 2004 – September 30, 2005

Virginia Department of Education
Division of Instruction
Office of Program Administration and Accountability
P. O. Box 2120
Richmond, VA 23218-2120

Application Guidelines

Purpose of Program and General Use of Funds

The purpose of Title III, Part A, Language Instruction for Limited English Proficient (LEP) and Immigrant Students is to support the five No Child Left Behind (NCLB) goals, which are:

- All students will reach high standards, at a minimum, attaining proficiency or better in reading/language arts and mathematics by 2013-2014.
- All limited English proficient students will become proficient in English and reach high academic standards, at a minimum, attaining proficiency or better in reading/language arts and mathematics.
- By 2005-2006, all students will be taught by highly qualified teachers.
- All students will be educated in learning environments that are safe, drug free, and conducive to learning.
- All students will graduate from high school.

Funds are to be used to develop instructional programs that:

- Increase the English proficiency of LEP students by providing high-quality language instructional programs that are based on scientifically-based research and demonstrate effectiveness in
 - increasing English language proficiency, and
 - student academic achievement in core content subject areas.
- Provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel that is:
 - designed to improve the instruction and assessment of LEP children;
 - based on scientifically-based research; and
 - of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom.
- Provide parent and/or guardian outreach programs that assist in the attainment of English language proficiency and core academic content skills for their children.

Application Submission and Approval Deadline

- A school division that submits an application and the signed print copy of the cover page by July 1, 2004, will have the appropriate 2004-2005 funds available on a reimbursement basis as of July 1, 2004. A school division that submits an application and the signed print copy of the cover page after July 1, 2004, will have the appropriate 2004-2005 funds available on a reimbursement basis as of the date the signed print copy of the cover page is received at the department. School divisions are encouraged to submit applications between July 1 and July 30.
- School divisions may amend the application submitted by the July 1 deadline as needed. See additional information on application amendments in the "Measurable Objectives" section on page 4 of this document and in the online document "Technical Assistance: Downloading, Completing, and Submitting the 2004-2005 NCLB Applications."

Submissions to the Department of Education

- Submit the electronic application to TitleIII@mail.vak12ed.edu. See instructions for the electronic application completion and submission process on page 3.
- Submit an original and one copy of the application **cover page only** signed by the division superintendent and the local school board chairperson. **SIGNATURES ALSO INDICATE COMPLIANCE WITH APPLICATION ASSURANCES.** See additional information on assurances in the "General Assurances and Program Specific Assurances" section on page 3.

- Mail signed cover page and copy to:
Virginia Department of Education
Office of Program Administration and Accountability
P.O. Box 2120
Richmond, Virginia 23218-2120
ATTENTION: Lisa Eggleston

Criteria for Application Approval

- Funds must be used for programs that will increase the English language proficiency and student academic achievement in core content classes of LEP students.
- Funds must be used to provide high-quality professional development.
- Programs must be based on scientifically-based research.
- Funds must be used for parental outreach programs that assist families with the attainment of English language proficiency and academic achievement in core content areas.
- Administrative use of funds is limited to 2 percent or less.
- LEP subgrants that fall below \$10,000 require school divisions to apply in consortium with one or more other schools divisions to reach the \$10,000 threshold.

Release of Federal Funds and Grant Award Period

- At the conclusion of the approval process, Title III, Part A, funds are released to school divisions on a reimbursement basis. The full grant award period is July 1, 2004, through September 30, 2006.
- Should the 2004-2005 allocation amount be unavailable to school divisions by the application submission date, the 2003-2004 Title III allocation may be used as the tentative budget amount. Applicants should follow the electronic amendment process outlined in the online document "Technical Assistance: Downloading, Completing, and Submitting the 2004-2005 NCLB Applications" when the school division's final 2004-2005 individual program allocation has been received.

Appendix A: General Assurances and Program Specific Assurances

- Assurances represent policies, procedures, and activities that must be developed by the school division to carry out the provisions of the law. The "General Assurances and Program Specific Assurances" are located at the end of this document and must be retained at the division level.
- **THE SUPERINTENDENT/DESIGNEE'S AND BOARD CHAIRPERSON'S SIGNATURES ON THE APPLICATION COVER PAGE CERTIFY THAT THE LOCAL EDUCATIONAL AGENCY WILL IMPLEMENT THE GENERAL AND PROGRAM SPECIFIC ASSURANCES.**

Instructions for Electronic Completion and Submission of Application

- The application has been created as a Microsoft Word form. Users will be allowed to enter information only in areas of the application in which they see a shaded gray box. The completed application must be saved as a Word document with the following name: "XXXTitleIIIPtA04-05.doc" (the "XXX" should be replaced by the three-digit LEA/Payee Code for your particular division). For example, Accomack County's Title III, Part A, application should be saved as "001TitleIIIPtA04-05.doc".
- The completed application should be sent as an e-mail attachment to the following address: TitleIII@mail.vak12ed.edu. Please do not send any other correspondence to this e-mail address. All other correspondence should be directed to Roberta Schlicher at rschlich@mail.vak12ed.edu. Do not mail print copies of the application to the Virginia Department of Education. Only the signed cover page must be mailed to the department. Print copies of the application and the assurances should be maintained at the division level.

Instructions for Completing the Application

A. COVER PAGE

1. The applicant will complete the school division information section.
2. The designated division representative will complete the Local Educational Agency Certification by securing all appropriate signatures and by indicating the date of the school board meeting. The local school board must review and approve the application prior to submission to the Department of Education.
3. The Department of Education representative will complete the bottom portion of the cover page.

B. PROGRAM OVERVIEW (PAGES 1-2) — RESPONSE LIMIT: 2 PAGES

In narrative format:

1. Describe the instructional program or program of services to be developed with the requested federal funds.
2. Include the targeted population(s). (Examples: NCLB subgroups of students, homeless and migrant students, instructional and administrative staff, paraprofessionals, parents, etc.)
3. Discuss how the division's program will contribute to the achievement of the NCLB goals.

C. MEASURABLE OBJECTIVES (PAGES 3-6)

1. In the tables on pages 3-6, as needed, state the measurable objectives that will guide the development of the program to be funded with the requested federal funds. Measurable objectives may be continued/revised from the previous school year.
2. Then describe the scientifically-based services and activities (programs, models, instructional methods and techniques) that will be implemented to achieve each objective and that will be supported by the requested funds.
3. The goals and measurable objectives for Title III programs should be guided by the following requirements of the legislation: 1) programs and services that focus on increasing the English language proficiency of limited English proficient students; 2) programs and services that focus on improving LEP student achievement on the Standards of Learning (SOL) assessments in English/reading and mathematics; 3) programs and services that focus on high-quality professional development that will provide staff with the skills necessary to increase the English language proficiency and core content knowledge; and 4) parental outreach programs and services designed to increase English language proficiency and core academic content skills.
4. See the definition and examples of measurable objectives below.

What is a Measurable Objective?

A measurable objective has four components:

1. Subject (Who is the target or focus?);
2. Behavior (What will be changed/improved?);
3. Specific criteria for assessing improvement, readiness, or achievement; and
4. Time period for performance or assessment.

Examples:

1. In the spring of 2005, 70 percent of the LEP students taking the Standards of Learning English/reading or state-approved assessments linked to the Standards of Learning will score at the proficient level.
2. In the spring of 2005, 70 percent of the LEP students taking the Standards of Learning mathematics or state-approved assessments linked to the Standards of Learning will score at the proficient level.
3. By the end of the 2004-2005 school year, 25 percent of the limited English proficient students will demonstrate progress in acquiring English language proficiency as demonstrated by moving from one English language proficiency level to the next.
4. By the end of the 2005-2006 school year, 20 percent of the limited English proficient students will be re-classified as non-LEP.

Note: It is anticipated that 2003-2004 *student-level* Standards of Learning (SOL) test results will arrive in the school divisions prior to the application deadline. Though unofficial, schools and school divisions should examine these data for student progress toward the attainment of the Adequate Yearly Progress (AYP) annual measurable objectives in reading/language arts and mathematics.

School divisions that have not received the data in sufficient time to complete certain measurable objectives by the application deadline should still consider submitting the application on time. Upon receipt and analysis of the student-level data, divisions should submit an electronic application *amendment form and the revised application*.

D. COORDINATION OF SERVICES (PAGE 7) — RESPONSE LIMIT: 1 PAGE

Describe the partnership within your division between this program and other federal, state and/or local programs in the delivery of services to the targeted population(s). Describe the collaboration of program staffs, parents, and the community to provide services and activities that will contribute to the attainment of the measurable objectives in the application.

E. BUDGET (PAGES 8-14)

1. The program budget must reflect resources needed to achieve the measurable objectives. Please note that administrative costs are limited to two (2) percent of the total award. Additionally, if funds have been awarded in both the LEP subgrant and the Immigrant and Youth subgrant, the budget must be divided accordingly.
2. Complete the following budget forms
 - Budget Summary
 - Detailed Budget Breakdown
 - Justification for Professional Development – Object Code 3000
 - Justification for Travel Cost – Object Code 5000
 - Justification for Capital Outlay – Object Code 8000

3. The “Expenditure Accounts Description” provides definitions for the object codes. Please review carefully. Revisions have occurred since the submission of the 2003-2004 application for federal funds.

F. CONSORTIUM APPLICANTS (PAGES 15-16)

1. School divisions that receive a LEP subgrant of less than \$10,000 must join in a consortium with one or more other school divisions to meet the \$10,000 threshold required by Section 3114 (b).
2. A lead school division must be identified and one application must be submitted by the lead school division for all consortium members. All consortium members must be listed on the application.
3. Participating consortium members must submit the participating LEA consortium member certification to the lead school division for inclusion in the application.

Appendix A

ASSURANCES

The assurances should be kept on file in the division.

GENERAL ASSURANCES

Title I, Part A	– Improving Basic Programs Operated by Local Educational Agencies
Title I, Part C	– Education of Migrant Children
Title I, Part D, Subpart 2	– Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
Title II, Part A	– Teacher and Principal Training and Recruiting Fund
Title II, Part D	– Enhancing Education Through Technology
Title III, Part A	– English Language Acquisition, Language Enhancement and Academic Achievement
Title IV, Part A	– Safe and Drug-Free Schools and Communities
Title V, Part A	– Innovative Programs
Title VI, Part B, Subpart 2	– Rural and Low-Income School Program

The school division assures:

- I. Each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
- II. The control of funds provided under each program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities;
- III. The public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing statutes;
- IV. It will adopt and use proper methods of administering each program, including—
 - A. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;
 - B. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation and that:
 1. It will maintain fiscal effort in support of free public education;
 2. It will provide services with state and local funds that are at least comparable to services provided in schools and areas not receiving special federal funds;
 3. The majority of the resources in the school division are derived from non-federal funds;
 4. It is in compliance with the requirements regarding school prayer as specified in P. L. 107-110, Title IX, Section 9524;
 5. It will comply with the audit requirements for each program;
 6. The federal funds are used to supplement, not supplant regular non-federal funds;
 7. It will cooperate in carrying out any evaluation of each program conducted by or for the state educational agency, the Secretary, or other federal officials;
 8. It will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under each program;
 9. It will submit such reports to the state educational agency (which shall make the reports available to the Governor) and the Secretary of Education as the state educational agency and Secretary may require to enable the state educational agency and the Secretary to perform their duties under each program;
 10. It will maintain such records for five years, provide such information, and afford such access to the records as the state educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the state educational agency's or the Secretary's duties;

11. It consulted with teachers, school administrators, parents, members of the community, nonprofit organizations and other interested parties in the development of this plan;
12. It afforded a reasonable opportunity for public comment on the plan or application and considered such comment before the application was submitted;
13. It is in compliance with the requirement regarding equal access to public school facilities as specified in P. L. 107-110, Title IX, Section 9525;
14. It will comply with the other application requirements outlined in
Section 9501. Private School Children;
Section 9502. Bypass; and
Section 9521. Maintenance of Effort under Title IX – General Provisions;
15. It will notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:
 - a) whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b) whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
 - c) whether the child is provided services by paraprofessionals and, if so, their qualifications; and
 - d) the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree;
16. It will provide information in an understandable and uniform format and, to the extent practicable, in a language that parents can understand;
17. It will ensure that funds are expended in accordance with the school division's approved application or amended application. In the event the local division needs to expend funds in any manner other than stipulated in the approved application, the plan must be amended using the amendment process provided by the Department of Education. The application must be amended before funds can be expended for activities not approved in the original application;
- C. That it will collect and disseminate information collected under Section 1111 in a manner that protects the privacy of individuals;
- D. That it will abide by the School Improvement provisions of Title I, Section 1116, that include among other requirements, the provisions of public school choice and supplemental educational services, as appropriate, for schools identified for Title I School Improvement.
- E. That it will abide by the LEA Improvement provisions of Title I, Section 1116, as appropriate, for divisions that are identified for LEA Improvement.
- V. The division shall comply with Section 22.1-277.01, of the Code of Virginia that requires the expulsion for one year of any student determined to have brought a weapon to school. A description of each incident, the name of the school concerned, the number of students expelled from each school, and the type of weapon used in each instance of expulsion will be reported to the Virginia Department of Education in compliance with provisions under Section 4141 of Title IV. This agency has a policy that requires referral to the criminal justice or the juvenile delinquency system of any student who brings a firearm or weapon to school;
- VI. It will participate, if selected, in the state National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under Section 411(b)(2) of the National Education Statistics Act of 1994.

PROGRAM SPECIFIC ASSURANCES

Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement

Each school division's plan shall ensure —

1. That it will include in the plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills;
2. That it will comply with the parental notification requirements as described below:

Section 3302

(a) IN GENERAL- Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of —

- (1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;
- (2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
- (3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
- (4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;
- (5) how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- (6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;
- (7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- (8) information pertaining to parental rights that includes written guidance —
 - (A) detailing —
 - (i) the right that parents have to have their child immediately removed from such program upon their request; and
 - (ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
 - (B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(b) SEPARATE NOTIFICATION- In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(c) RECEIPT OF INFORMATION- The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

3. That it will annually assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;
4. That it will base its proposed plan on scientifically-based research on teaching limited English proficient children;

5. That it will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging state academic content and student academic achievement standards; and
6. That it will not violate any state law, including state constitutional law, regarding the education of limited English proficient children, consistent with Sections 3126 and 3127.